

REMARKS/ARGUMENTS

The claims have been amended to require the presence of a halide ion source, as described at specification pages 15-16. See also original Claims 4, 14, and 20. No new matter has been entered.

The rejections of the claims as obvious over Suzuki or Austgen, and for double patenting over Suzuki, are traversed.

Suzuki relates to a dispersing emulsion of a thermoplastic elastomer which can be used as an asphalt modifier. See, e.g., col. 1, lines 9-14 of the reference. While the elastomer is emulsified and dispersed in the presence of a nonionic emulsifier (col. 2, lines 46-54), etc., nowhere does the reference disclose or suggest the presence of a halide ion source, as now required by the claims.

Austgen similarly nowhere discloses or suggests the use of a halide ion source.

As noted at specification page 15, the claimed halide ion source provides significant advantages in the prevention of agglomeration of rubber components in the latex, and by improving its mechanical stability, thereby preventing nozzle clogging when spraying. As noted at specification page 16, lines 18-21, the claimed halide ion source also promotes latex compatibility with asphalt.

Because neither Suzuki nor Austgen disclose or suggest the addition of a halide ion source to their disclosed compositions, nor the benefits provided thereby, Applicants respectfully submit that the amended claims define patentable subject matter over these references. The outstanding rejections should thus be withdrawn, and this case passed to Issue.

Respectfully submitted,

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